

REMARKS

By this amendment, claims 1, 3-5, 7, 8, 10-12, 14, 15, 17-19, 21, 22, 24-26, 28, 29, 31-36, and 38 are pending, in which claims 30 and 37 are canceled without prejudice or disclaimer, and claims 1, 8, 15, 17, 22, and 35 are currently amended. Claims 2, 6, 9, 13, 16, 20, 23, 27, and 39 were previously canceled. Care was exercised to avoid the introduction of new matter.

The Office Action mailed January 13, 2006 rejected claims 1, 7, 8, 14, 15, 21, 22, 28, 29, 31, 32, 34-36, and 38 under 35 U.S.C. § 103(a) as obvious based on *Carneal et al.* (US 6,282,542 B1) in view of *Persistent Client State HTTP Cookies* (http://wp.netscape.com/newsref/std/cookie_spec.html) [hereinafter *Netscape*] and in further view of *Cohen et al.* (US 6,330,561). Claim 3 was rejected under § 103(a) as obvious based on *Carneal et al.* and *Netscape* in further view of *Cohen et al.* and *Sridhar et al.* (US 6,226,701 B1), and claim 4 was rejected under § 103(a) as obvious based on *Carneal et al.* and *Netscape* in further view of *Cohen et al.* and *Quantum Prime Communications* (www.qpcomm.com/vsat_info.html) [hereinafter *Quantum*]. Furthermore, claims 10, 17, and 24 were rejected under § 103(a) as obvious based on *Carneal et al.*, *Netscape*, and *Cohen et al.* in further view of *Sridhar et al.*, and claims 11, 18, and 25 were rejected under § 103(a) as obvious based on *Carneal et al.*, *Netscape*, and *Cohen et al.* in further view of *Quantum*. Claims 5, 12, 19, and 26 were rejected under § 103(a) as obvious based on *Carneal et al.*, *Netscape* and *Cohen et al.* in further view of *Marks et al.* (US 6,463,447 B1), and claims 30, 33, 37, and 39 were rejected under § 103(a) as obvious base on *Carneal et al.*, *Netscape* and *Cohen et al.* in further view of *Harrison et al.* (US 6,249,914 B1). Also, claims 35, 36, and 38 were rejected under § 103(a) as obvious base on *Carneal et al.* and *Netscape* in further view of *Harrison et al.* (US 6,249,914 B1). Additionally, claims 22, 24-26, and 28 were rejected under § 101 as directed to non-statutory subject matter, and claims 1, 3-5, 7, 8, 10-12, 14, 15, 17-19, 21, 22, 24-26, and 28-34 were rejected under § 112, first paragraph, as failing to comply with the written description requirement.

First, Applicants acknowledge with appreciation the courtesy of an interview granted to Applicants' attorney, Mr. Phouphanomketh Ditthavong, on March 23, 2006 at which time the subject invention was explained in light of Applicants' disclosure, the outstanding issues were discussed, and arguments substantially as hereinafter developed were presented. During the interview, which was also attended by SPE Bunjob Jaroenchonwanit, Applicants' representative discussed the rejections under §§ 101 and 112,

first paragraph. Additionally, the obviousness rejections were discussed in view of the features of “cacheability” and “cookie.” No formal agreement was reached, pending the Examiner’s detailed reconsideration of the application upon formal submission of a response to the outstanding Official Action.

In response to the § 101 rejection, Applicants have amended claim 22 to recite a “computer-readable **storage** medium.” Therefore, the concern regarding the statutory nature of “transmission media” is addressed.

Regarding the rejection under § 112, first paragraph, the language “life of the object” has been replaced with “time-to-live of the object.” In view of the personal interview of March 23, 2006, this amendment overcomes the rejection.

To expedite prosecution, Applicants have amended independent claims 1, 8, 15, 22 and 35. Amended independent claim 1 recites “an upstream proxy server configured to **include the cookie in a read-ahead request if the cookie is supported by the content server, to retrieve the object, based on the cookie, from the content server and to forward the object based on a predetermined criteria relating to the object, including time-to-live of the object and the object not being marked as uncacheable**, over a data network to the downstream proxy server prior to the client transmitting another message requesting the object.” Independent claims 8 and 22 recite “**including the cookie in a read-ahead request if the cookie is supported by a content server; retrieving the content specifying an object based on the read-ahead request and the cookie; and forwarding the object over a communications link to the downstream server based on a predetermined criteria relating to the object, wherein the predetermined criteria includes time-to-live of the object and the object not being marked as uncacheable**, prior to the client transmitting a message requesting the object.” Claim 15 now includes the features of “**means for including the cookie in a read-ahead request if the cookie is supported by a content server; means for retrieving content specifying an object from a content server based on the read-ahead request and the cookie; and means for forwarding the object over a communications link to the downstream server based on a predetermined criteria relating to the object, including time-to-live of the object and the object not being marked as uncacheable**, prior to the client transmitting a message requesting the object.” Amended claim 35 now recites “transmitting the message to an upstream server configured to **include the cookie in a request if the cookie is**

supported by the content server to retrieve the object based on the cookie from the content server and to determine whether the object is cacheable; and **receiving**, from the upstream server, **the object** over a data network prior to the client transmitting another message requesting the object **if the object is not marked as uncachable.**"

The Office Action, on page 13, relies on *Harrison et al.* for a supposed teaching of determining whether the object is cacheable. As noted in Applicants' prior Response, the *Harrison et al.* system's notion of determining cacheability is very different from the claimed invention, and in fact, teaches away from the claimed invention. A reference should be considered as a whole, and portions arguing against or teaching away from the claimed invention must be considered. *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve Inc.*, 796 F.2d 443, 230 USPQ 416 (Fed. Cir. 1986). For example, *Harrison et al.* (col. 13: 22) discloses the following (*Emphasis added*):

... parser 408 is responsible for parsing the separated associated data to determine whether the associated data objects are of a cacheable type or a non-cacheable type, and identified them for local data manager 38 accordingly. The classification of cacheable and non-cacheable associated data objects are application dependent. **Any number of associated data object types, like text etc., may be classified as non-cacheable, whereas any number of other associated data object types, like HTML pages, may be classified as cacheable.** Furthermore, any one of a number of known techniques may be employed to determine and identify whether an associated data object is a cacheable or a non-cacheable type. In other embodiments, parser 408 also extracts property information describing the associated data objects from the associated data objects. Examples of property information include whether an associated data object contains adult content, inappropriate subject matter, or content unsuitable to the viewer age group and so forth.

The above passage suggests that all HTML pages are cacheable, thereby undercutting the objective of avoiding transmissions over the high latency communication link.

Further, the *Harrison et al.* system provides no disclosure on determining cacheability on an object by object basis; namely, the claims recite, for example, **"forward the object based on a predetermined criteria relating to the object, including time-to-live of the object and the object not being marked as uncachable."**

In view of the foregoing, it is submitted that the proposed combinations of *Carneal et al.*, *Netscape* and *Cohen et al.* with *Harrison et al.* are unsustainable. Moreover, the applied art of record, alone or in combination, fails to disclose all the features of the claimed invention.

Accordingly, Applicants respectfully request the indication that amended independent claims 1, 8, 15, 22, and 35 be allowable, along with the corresponding dependent claims 2-5, 7, 9-12, 14, 16-19, 21, 23-26, 28, 29, 31-34, 36, and 38.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration of this application is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (301) 601-7252 so that such issues may be resolved as expeditiously as possible. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Plastrik', followed by the date '5-12-2006' written in a similar cursive style.

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